IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

APPEAL NO.28 OF 2007
IN
NOTICE OF MOTION NO.1115 OF 2005
IN
SUIT NO.3553 OF 2004

Mahendra Chambers & Occupants
Welfare Association & Anr. ..Appellants.
Vs.
M/s. Mahendra Builders & Ors. ..Respondents.

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Shri E.P. Bharucha, Senior Advocate with Shri Chirag Balsara with Shri N. Engineer i/b M/s. K.P. Tiwari & Co. for the Appellants.

Shri V.A. Thorat, Senior Advocate with Shri Vaibhav Sugdare and Ms. Sheetal Sampat and Ms. Tanvi Durve i/b M/s. K. Asher & Co. for Respondent No.1.

Shri Kevic Setalwad with Shri K.N. Gaikwad for Respondent No.2 (BMC).

Shri P.S. Dani with Shri Mangesh Chavan for Respondent Nos.3 and 5 to 9.

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CORAM: **R. M. S. KHANDEPARKAR, &**
DR. D.Y. CHANDRACHUD, JJ.

7th March, 2007.

P.C. :

1. The learned counsel appearing for the parties state that

Respondent No.4 who was the Trustee expired about a year back.

2. In view of what has transpired in the course of the arguments and by consent the impugned order is hereby set aside and the matter is remanded to the Learned Single Judge with request to dispose of Notice of Motion 1115 of 2005 after hearing the parties in accordance with the provisions of law as expeditiously as possible. Meanwhile, status quo order in terms of the ad interim order dated 24th June, 2005 to continue. The Appeal accordingly stands disposed of with no order as to costs.

We make it clear that we have not expressed any opinion on any of the points raised and all the issues are kept open.

(R. M. S. KHANDEPARKAR, J.)

(DR. D.Y. CHANDRACHUD, J.)